

[PUBLIC LAW 184—78TH CONGRESS]

[CHAPTER 298—1ST SESSION]

[S. 400]

AN ACT

Relating to the organization and functions of the Public Health Service,
and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the Public Health Service in the Federal Security Agency shall consist of the Office of the Surgeon General, the National Institute of Health, and two bureaus, to be known as the Bureau of Medical Services and the Bureau of State Services. The Surgeon General of the Public Health Service, under the supervision and direction of the Federal Security Administrator, is hereby authorized and directed to assign to the Office of the Surgeon General, to the National Institute of Health, and to the two bureaus, respectively, the several functions of the Public Health Service, and to establish within the Office of the Surgeon General, the National Institute of Health, and the two bureaus, respectively, such divisions, sections, and other units as may be required to perform their functions; and, under such supervision and direction, he may abolish existing divisions, sections, and other units, and, hereafter, may establish, transfer, and consolidate divisions, sections, and other units and reassign their functions for the efficiency of the Service.

SEC. 2. The Director of the National Institute of Health and the chiefs of each of the bureaus, established by section 1 of this Act, and the officer assigned as Chief Medical Officer of the United States Coast Guard, shall be commissioned medical officers detailed by the Surgeon General from the regular corps, and while so detailed shall be Assistant Surgeons General and shall have the same grade and shall receive the same pay and allowances as the Assistant to the Surgeon General.

SEC. 3. When commissioned officers below the grade of medical director are detailed by the Surgeon General from the regular corps to serve as chiefs of divisions, not more than six of such officers at one time while so detailed shall have the temporary grade and receive temporarily the pay and allowances of a medical director; and there is authorized to be established in the Office of the Surgeon General a Dental Division and a Sanitary Engineering Division; the chief of each such Dental and Sanitary Engineering Division shall be a commissioned dental officer and a commissioned sanitary engineer officer, respectively, of the regular corps detailed by the Surgeon General, and while each such dental and sanitary engineer officer is so detailed, he shall have the grade, pay, and allowances of an Assistant Surgeon General as provided by section 2 of this Act.

SEC. 4. In time of war or national emergency determined by the President, any commissioned officer of the regular corps of the

Public Health Service may be appointed to higher temporary grade with the pay and allowances thereof without vacating his permanent appointment, and any officer so promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date of approval, unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier date. No such officer who shall have subscribed to the oath of office required by section 1757, Revised Statutes, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous. Hereafter reserve officers of the Public Health Service may be distributed in the several grades without regard to the proportion which at any time obtains or has obtained among the commissioned medical officers of such Service. For the duration of the present war and for six months thereafter graduates of reputable osteopathic colleges shall be eligible for appointment as reserve officers in the Public Health Service.

SEC. 5. The record of each commissioned officer of the regular corps initially appointed above the grade of Assistant Surgeon, after the first three years of service in such grade, shall be reviewed under regulations approved by the President, and any such officer who is found to be unqualified for further service shall be separated from the Service and paid six months' pay and allowances.

SEC. 6. In case of the absence or disability of the Surgeon General and the Assistant to the Surgeon General, or in the event of a vacancy in the office of both, the Assistant Surgeons General shall act as Surgeon General in the order of their designation for such purpose by the Surgeon General.

SEC. 7. Section 9 of the Act of April 9, 1930 (U. S. C. 42, sec. 37; 46 Stat. 151), is hereby amended by the addition of the following language at the end of said section:

"(d) Original appointments in the commissioned corps of the Public Health Service, regular and reserve, may be made to a junior grade which shall correspond to that held by a second lieutenant in the Medical Department of the Army and persons so appointed shall be entitled to the same pay and allowances as a second lieutenant in the Medical Department of the Army. After not less than one nor more than two years of service each such appointee in the regular corps may be examined under regulations prescribed by the President and upon such examination shall either be promoted to the grade of Assistant Surgeon or be separated from the Service."

SEC. 8. (a) For the purposes of this section—

(1) the term "full military benefits" means all rights, privileges, immunities, and benefits provided under any law of the United States in the case of commissioned military and naval personnel of the United States (including their surviving beneficiaries) on account of active military or naval service, including, but not limited to, burial payments in the event of death, six months' pay in case of death, veterans' compensation

and pensions and other veterans' benefits, retirement, including retirement for disability, the rights provided under the Soldiers' and Sailors' Civil Relief Act, as amended, the National Service Life Insurance Act, as amended, travel allowances, including per diem allowances for travel without regard to repeated travel between two or more places in the same vicinity, allowances for uniforms, exemption of certain pay from Federal income taxation, and other benefits, privileges and exceptions under the Internal Revenue laws;

(2) the term "limited military benefits" means full military benefits, except veterans' compensation and pensions and other veterans' benefits, and eligibility under the National Service Life Insurance Act, as amended.

(b) Beginning with the date of enactment of this Act, commissioned officers of the Public Health Service, regular and reserve (including their surviving beneficiaries)—

(1) in time of war, shall be entitled to limited military benefits with respect to all active service in the Public Health Service;

(2) while such officers are detailed for duty with the Army, Navy, or Coast Guard, shall be entitled to full military benefits with respect to such duty;

(3) while such officers are serving outside the continental limits of the United States or in Alaska in time of war, shall be entitled to full military benefits with respect to such service.

(c) In time of war, the President may by Executive order declare the commissioned corps of the Public Health Service a part of the military forces of the United States and provide the extent to which it shall be subject to the Articles of War and the Articles for the Government of the Navy. Upon the issuance of such an Executive order, all commissioned officers of the Public Health Service, regular and reserve (including their surviving beneficiaries), shall be entitled to full military benefits with respect to active service rendered while the Public Health Service is a part of the military forces of the United States.

Sec. 9. Commissioned officers of the Public Health Service, regular and reserve (including their surviving beneficiaries), shall be entitled to receive the same benefits for injury or death in the performance of their duties as civil officers and employees of the United States under the United States Employees' Compensation Act of September 7, 1916, as amended: *Provided*, That any such officer or beneficiary of such officer eligible to receive any benefit authorized by this section who is also eligible to receive any payment or benefit (except the proceeds of any insurance policy) under any provision of law other than such Act of September 7, 1916, as amended, on account of the same injury or death, shall elect which benefit he shall receive.

Sec. 10. The surviving beneficiaries of any commissioned officer of the Public Health Service, regular or reserve, who, since December 7, 1941, and prior to the enactment of this Act, has lost his life while on active duty in the Public Health Service or while detailed to the Army, Navy, or Coast Guard, shall receive six months' pay as provided in the Act of June 4, 1920, as amended (U. S. C., 1940 edition, sup. II, title 34, sec. 943), and, unless entitled to compensation under

the laws administered by the Veterans' Administration, shall receive the benefits provided under Section 9 of this Act.

SEC. 11. This Act may be cited as the "Public Health Service Act of 1943". For the purpose of any reorganization under section 1 of this Act the Federal Security Administrator, with the approval of the Director of the Bureau of the Budget, is hereby authorized to make such transfer of funds between appropriations as may be necessary for the continuance of transferred functions.

Approved November 11, 1943.